

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

CLAIRE E. WEBB,	:	Case No. 1:19-cv-00972
	:	
Plaintiff,	:	Judge _____
	:	
v.	:	
	:	
MATTHEW A. EHLMAN, et al.	:	<u>NOTICE OF REMOVAL OF</u>
	:	<u>CIVIL ACTION</u>
Defendants.	:	
	:	
	:	

Defendants Matthew A. Ehlman and Thornton Transportation LLC (hereinafter “Thornton Defendants”), by and through counsel, and pursuant to 28 U.S.C. § 1446 and 28 U.S.C. § 1332, respectfully submit this Notice of Removal of Civil Action from the Hamilton County, Ohio Court of Common Pleas to the United States District Court, Southern District of Ohio, Western Division at Cincinnati. In support of its Notice, Defendants state the following:

1. Matthew A. Ehlman and Thornton Transportation LLC have been named as Defendants in a civil action filed in the Hamilton County Court of Common Pleas, Ohio, styled as *Claire E. Webb v. Matthew A. Ehlman, et al.*, Case No. A1904914. (A true and correct copy of the Complaint is attached hereto as Exhibit A). According to the state court docket, the Complaint was served on Thornton Transportation LLC on October 21, 2019; United Healthcare on October 19, 2019; and Metlife Auto & Home on October 21, 2019. Service has not been perfected on Matthew Ehlman or John Doe.

2. In her Complaint, Plaintiff Claire E. Webb alleges that on October 23, 2017, she was injured as a result of an auto accident involving she and the Thornton Defendants. (Pl. Comp., ¶¶ 1-3, 24). Plaintiff alleges she has suffered severe injuries to her head, neck, and back, pain and

suffering, loss of enjoyment of life, and lost tuition and other expenses. (Pl. Comp., ¶ 6). The Thornton Defendants specifically deny any wrongdoing or civil liability to Plaintiff.

3. Upon information and belief and as alleged in her Complaint, Plaintiff, Claire E. Webb, is a citizen of the State of Ohio. (Pl. Comp., at caption).

4. Defendant, Matthew A. Ehlman, is a citizen of the Commonwealth of Kentucky.

5. Defendant, Thornton Transportation LLC, is a Kentucky limited liability company with its principal place of business in Louisville, Kentucky. The sole member of Thornton Transportation LLC is Thorntons LLC, a Delaware limited liability company with its principal place of business in Louisville, Kentucky.

6. Defendant, MetLife Auto & Home is a Rhode Island corporation with its principal place of business in Warwick, Rhode Island.

7. Defendant United Healthcare is a nominal defendant, and its citizenship should be disregarded for purposes of diversity, as its alleged subrogation interest does not make it a party with a real and substantial adversity to Plaintiff.

8. John Doe has not yet been identified or served so his or her citizenship should also be disregarded for purposes of diversity.

9. This Notice of Removal is filed within thirty (30) days of service of the state court action and is therefore timely under 28 U.S.C. § 1446(b).

10. The United States District Court for the Southern District of Ohio has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332. Removal is proper because:

- a. Plaintiff is an Ohio resident;
- b. Defendant Thornton Transportation LLC is a Kentucky business;
- c. Defendant Matthew Ehlman is a Kentucky resident;

- d. Defendant Metlife Auto & Home is a Rhode Island business;
 - e. Defendant United Healthcare is a nominal defendant, and its citizenship should be disregarded for purposes of diversity, as its alleged subrogation interest does not make it a party with a real and substantial adversity to Plaintiff.
 - f. John Doe has not yet been identified or served, and so his or her citizenship should also be disregarded for purposes of diversity.
 - g. The amount in controversy in this case exceeds seventy-five thousand dollars (\$75,000). Plaintiff alleges severe injuries to her head, neck, and back as a result of the accident. She further alleges her injuries are permanent, and that she has experienced pain and suffering, loss of enjoyment of life, and has lost tuition and other educational expenses. Additionally, the undersigned requested Plaintiff's counsel execute a Stipulation that damages would not exceed \$75,000 and counsel refused to sign same. (See Stipulation and Correspondence, attached as Exhibit B).
11. Pursuant to 28 U.S.C. § 1446(d), written notice of the removal of this case (attached hereto as Exhibit C), together with a copy of this Notice of Removal is being filed with the Clerk of the Hamilton County, Ohio Court of Common Pleas and shall be served on Plaintiff, through her counsel.

WHEREFORE, the Thornton Defendants pray that this action be removed from the Hamilton County, Ohio Court of Common Pleas to the United States District Court for the Southern District of Ohio, Western Division at Cincinnati, and request that this Court assume full jurisdiction over the case herein as provided by law.

Respectfully submitted,

REMINGER CO., L.P.A.

/s/ Robert W. Hojnoski

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***Counsel for Defendants Matthew Ehlman and
Thornton Transportation LLC***

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been electronically filed this 15th day of November, 2019. A copy has also been served via email/U.S. mail upon the following:

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